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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,268	01/29/2002	Warren Keith Edwards	D/A1085 (1508/3300)	2691

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Gunnar G. Leinberg, Esq.  
Nixon Peabody LLP  
Clinton Square  
P.O. Box 31051  
Rochester, NY 14603-1051

EXAMINER
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CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/058,268		EDWARDS ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Dohm Chankong		2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/29/02</u> . | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

- 1> Claims 1-33 are presented for examination.

#### *Claim Rejections - 35 USC § 112*

- 2> The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 3> Claims 7, 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claims 7, 11 - "...wherein data transfer ceases upon the first component or the..." - it is not clear when the data transfer ceases or how exactly the data transfer can cease upon a first component.
- b. Claim 13 lacks proper antecedent basis for "the second component".

#### *Claim Rejections - 35 USC § 102*

- 4> The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5> Claims 1-5, 7, 12-16, 18, 23-27 and 29 are rejected under 35 U.S.C § 102(e) as being anticipated by Provino et al, U.S Patent No. 6,535,929 ["Provino"].

6> As to claim 1, Provino discloses a system for enabling components to transfer data between each other, the system comprising:

a first component having a universal data transfer interface [Figure 3 «items 80, 86» | column 3 «lines 63-67» | column 5 «lines 23-34»]; and

a second component invoking the universal data transfer interface to use a data transfer session object to transfer data between the first component and at least one of the components [column 6 «lines 19-46»].

7> As to claim 2, Provino discloses a system as set forth in claim 1 wherein the at least one of the components comprises the second component or a third component [Figure 1 | column 3 «lines 63-67»].

8> As to claim 3, Provino discloses a system as set forth in claim 1 wherein the at least one of the components sends the data transfer session object to the first component to be used by the first component for receiving data transmitted from the at least one of the components [Figure 1 «items 40, 42, 44, 34» | column 4 «lines 26-34» | column 6 «lines 19-36» where: Provino discloses deploying the universal mechanism to other computers, the kernel module analogous to the session object].

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9> As to claim 4, Provino discloses the system as set forth in claim 1 wherein the at least one of the components receives the data transfer session object from the first component to be used by the at least one of the components for receiving data transmitted from the first component [Figure 1 «items 40, 42, 44, 34» | column 4 «lines 26-34» where: Provino discloses that the universal mechanism is deployed from computer to computer over a communication link].

10> As to claim 5, Provino discloses the system as set forth in claim 1 wherein the universal data transfer interface and the data transfer session object have source-specific object-oriented mobile code that can be interpreted and performed by the first component or the at least one of the components to receive data [column 6 «lines 43-46» | column 10-12 «appendix»].

11> As to claim 7, Provino discloses the system as set forth in claim 1 wherein data transfer ceases upon the first component or the at least one of the components failing to renew a data transfer lease or indicating that the data transfer has completed or failed [column 5 «lines 38-39»].

12> As to claim 12, Provino discloses a method for enabling components to transfer data between each other, the method comprising:

invoking a universal data transfer interface to obtain a data transfer session object [column 4 «lines 19-37»]; and

using the data transfer session object to transfer data between a first component and at least one of the components [column 5 «lines 24-67» | column 8 «lines 1-23»]

13> As to claims 13-16 and 18, as they are merely claims to methods that perform the steps of the system of claims 2-5 and 7, they do not teach or further define over the claimed limitations. Therefore, claims 13-16 and 18 are rejected for the same reasons set forth for claims 2-5 and 7, supra.

14> As to claims 23-27 and 29, as they are merely claims to mediums that execute the steps of the method of claims 12-16 and 18, they not teach or further define over the claimed limitations. Therefore, claims 23-27 and 29 are rejected for the same reasons set forth for claims 12-16 and 18, supra.

*Claim Rejections - 35 USC § 103*

15> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16> Claims 6, 17 and 28 are rejected under 35 U.S.C § 103(a) as being unpatentable over Provino, in view of Balog et al, U.S Patent Publication No. 2002/0022453 A1 [“Balog”].

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17> Provino does disclose a system wherein the data transfer session object comprises instructions for enabling the first component or the at least one of the components to negotiate with each other to transfer data [column 5 «lines 23-67»] but does not disclose selecting a communications protocol to use to transfer data between each other based upon a type of data being transferred or for selecting a transfer medium to use to transfer data based upon the type of data.

18> In the same field of invention [abstract], Balog discloses selecting a communications protocol to use to transfer data between each other based upon a type of data being transferred [0010]. It would have been obvious to one of ordinary skill in the art to incorporate Balog's dynamic protocol selection functionality into Provino's data transfer system so that communication protocols can be adapted based on the data to be transferred. Such an implementation would allow increased communication efficiency between devices and ease of use for the end-users [see Balog, 0008].

19> As to claims 17 and 28, as they are merely claims to a method and medium, respectively, that perform the steps of the system of claim 6, they do not teach or further define over the claimed limitations. Therefore, claims 17 and 28 are rejected for the same reasons set forth for claim 6, supra.

20> Claims 8-10, 19-21 and 30-32 are rejected under 35 U.S.C § 103(a) as being unpatentable over O'Sullivan et al, U.S Patent No. 6,560,656 ["O'Sullivan"].

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21> As to claim 8, O'Sullivan discloses a system for enabling components to transfer data between each other, the system comprising:

a first component having a first universal data transfer interface [Figure 4 «items 401, 402, 403»];

a second component having a second universal data transfer interface [Figure 2 «item 206» | Figure 4 «items 408, 411, 414, 409, 412, 415»]; and

a third component invoking the first universal data transfer interface and the second universal data transfer interface to use a data transfer session object to transfer data between the first component and the second component [Figure 4 «items 404, 405, 406» | column 5 «lines 36-65» | column 6 «lines 36-46» | column 7 «lines 45-67» | column 9 «lines 1-15 and 43-49»]. While O'Sullivan does not explicitly disclose a singular third component, O'Sullivan's code server and lookup service computer are analogous to the third component. O'Sullivan discloses that the code server can be located on any remote machine; so it would have been obvious to locate the code server on the lookup service computer to efficiently house server and service in one component. The code server acts as a the third component to the second universal data transfer interface by transmitting object code to the second components. The lookup service act as the third component to the first universal interface by transmitting object code to the first component. So collectively the code server and the lookup service computer invoke the interfaces of the respective components to enable data transfer.

22> As to claim 9, O'Sullivan disclose the system as set forth in claim 8 wherein the third component sends the data transfer session object to the first component to be used by the



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first component for receiving data transmitted from the second component [column 5 «lines 49-56» | column 36-46» where: the lookup service provides the first component object code to communicate with the services located on the devices of the Djinn].

23> As to claim 10, O'Sullivan discloses the system as set forth in claim 8 wherein the third component sends the data transfer session object to the second component to be used by the second component for receiving data transmitted from the third component [column 7 «lines 48-67»].

24> As to claim 19, O'Sullivan discloses a method for enabling components to transfer data between each other, the method comprising:

invoking a first universal data transfer interface and a second universal data transfer interface [column 4 «lines 18-31» where: O'Sullivan's RMI for each device is analogous to the interfaces];

obtaining a data transfer session object from one of the invoked first universal data transfer interface or the second universal data transfer interface [column 8 «lines 3-4»]; and

using the data transfer session object to transfer data between a first component and a second component [column 8 «lines 1-2»].

25> As to claims 20-21, as they are merely methods that perform the steps of the system of claims 9-10, they do not teach or further define over the claimed limitations. Therefore, claims 20-21 are rejected for the same reasons set forth for claims 9-10, *supra*.

26> As to claims 30-32, as they are merely claims to a medium that execute the steps of the method of claims 19-21, they do not teach or further define over the claimed limitations.

Therefore, claims 30-32 are rejected for the same reasons set forth for claims 19-21, *supra*.

27> Claims 11, 22 and 33 are rejected under 35 U.S.C § 103(a) as being unpatentable over O'Sullivan in view of Provino.

28> O'Sullivan does not explicitly disclose a system wherein data transfer ceases upon the first component or the least one of the components failing to renew a data transfer lease or indicating that the data transfer has completed or failed.

29> In the same field of invention, Provino discloses the system wherein data transfer ceases upon the first component or the at least one of the components failing to renew a data transfer lease or indicating that the data transfer has completed or failed [column 5 «lines 38-39»]. It would have been obvious to one of ordinary skill in the art to incorporate Provino's "deregister" function call into O'Sullivan's data transfer system to enable some sort of notification to the devices that the data transfer has completed. Such a functionality is ubiquitous in the art, and its implementation in O'Sullivan would enhance the systems ability to communicate and update the devices as to the status of the data transfer.

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30> As to claims 22 and 33, as they are merely claims to a method and medium, respectively, that perform the steps of the system of claim 11, they do not teach or further define over the claimed limitations. Therefore, claims 22 and 33 are rejected for the same reasons set forth for claim 11, supra.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



Dung C. Pham  
Primary Examiner